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## **REMARKS**

Claims 1-30 are pending in this patent application. By this amendment, claims 1-30 have been canceled, and claims 31-44 have been added. Reconsideration of this patent application, as amended, is respectfully requested.

### **Amendment to Drawings**

Fig. 2 has been amended to identify the first plane P1 as shown in Attachment II. Fig. 2 has been further amended to show arrowheads associated with the plane 40, as opposed to merely line segments as also shown in Attachment II.

A version with markings showing changes made to Fig. 2 is included herewith as "Attachment II".

### **Amendment to Specification**

The specification has been amended to refer to reference indicator P1 now shown in the drawings that corresponds to the first plane P1. The specification has been further amended to point out certain of the features shown in the drawings. A version with markings showing changes made to the specification is included herewith as "Attachment I".

To facilitate a clearer understanding of the claimed invention and address the Examiner's comments in the 9/16/02 Office Action, the Examiner's attention is respectfully directed to Attachments III, IV, and V which provide dictionary

definitions of the following claim terms: "great circle", "hemisphere", and "coincident".

### **35 U.S.C. § 112 Rejection**

Claims 1, 4-6, 8, 11-13, 15, 17-19, 21, and 26 were rejected under 35 U.S.C. § 112. These claims have been canceled, and thus this rejection is moot.

### **35 U.S.C. § 103 Rejection (Pratt)**

Claims 1-30 appear to have been rejected under 35 U.S.C. § 103 as being unpatentable over Pratt et al. (U.S. Patent No. 5,888,205). Claims 1-30 have been canceled. Thus, this rejection is moot.

### **Newly Added Claims 31-44**

Claims 31-44 have been added. These claims recite novel and nonobvious limitations over the prior art including Pratt. For example, while Pratt teaches that "[t]he ATH shell is a low profile shell that is less of a hemisphere than the reamer," this appears to suggest nothing more than what the Applicants pointed out in their patent application (see page 3, lines 3-11), namely, that it is not uncommon for prior art cups to be recessed from the equator 188 of the cup by as much as 4-5 millimeters (see, e.g. Fig. 7 of Applicants' specification). However, this is not the claimed invention. Moreover, nothing in Pratt discloses or suggests the following limitations as set forth in the claimed invention:

wherein said cup body is further configured such that when said imaginary hemisphere is superimposed over said cup body, said upper rim lies in a second plane P2 that is spaced apart from said first plane P1 by a distance D,

wherein  $0.5 \text{ millimeters} \leq D \leq 2.0 \text{ millimeters}$ , and

wherein said cup body is further configured such that when said imaginary hemisphere is superimposed over said cup body, said outer surface of said cup body lies coincident with said imaginary hemisphere from said apex portion to said second plane P2.

Moreover, it should be noted that it is axiomatic that obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.

For example, the following motivation identified in the 9/16/02 Office Action is extremely vague and general:

to meet desirable design specifications.

However, one skilled in the art given this very vague and general goal of *meeting desirable design specifications* would not thereby be motivated to modify Pratt so as to arrive at the specific claimed characteristics set forth above. Arriving at Applicants' very specific claimed configuration which is set forth in newly added claims 31-44 based upon the highly generalized goal of meeting desirable design specifications is simply highly unlikely. Thus, Pratt cannot be used to create a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to the invention of newly added claims 31-44.

## **Conclusion**

In view of the foregoing amendment and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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## **Attachment I**

### **Version With Markings to Show Changes Made to the Specification**

#### In the Specification

On page 11, line 19, between "36." and "The great circle", please insert the following sentence:

--The great circle 36 lies in a plane P1 as shown in Fig. 2.--.

On page 13, line 2, after "1 millimeter.", please insert the following two sentences:

--Stated another way, the cup body 24 is configured such that when the imaginary hemisphere 32 is superimposed over the cup body 24, the rim 30 lies in the plane 40 that is spaced apart from the plane P1 by a distance D.

Moreover, the cup body 24 is further configured such that when the imaginary hemisphere 32 is superimposed over the cup body 24, the outer surface of the cup body 24 (see, e.g., side wall 26) lies coincident with the imaginary hemisphere 32 from the apex 28 to the plane 40.--.

# ATTACHMENT II

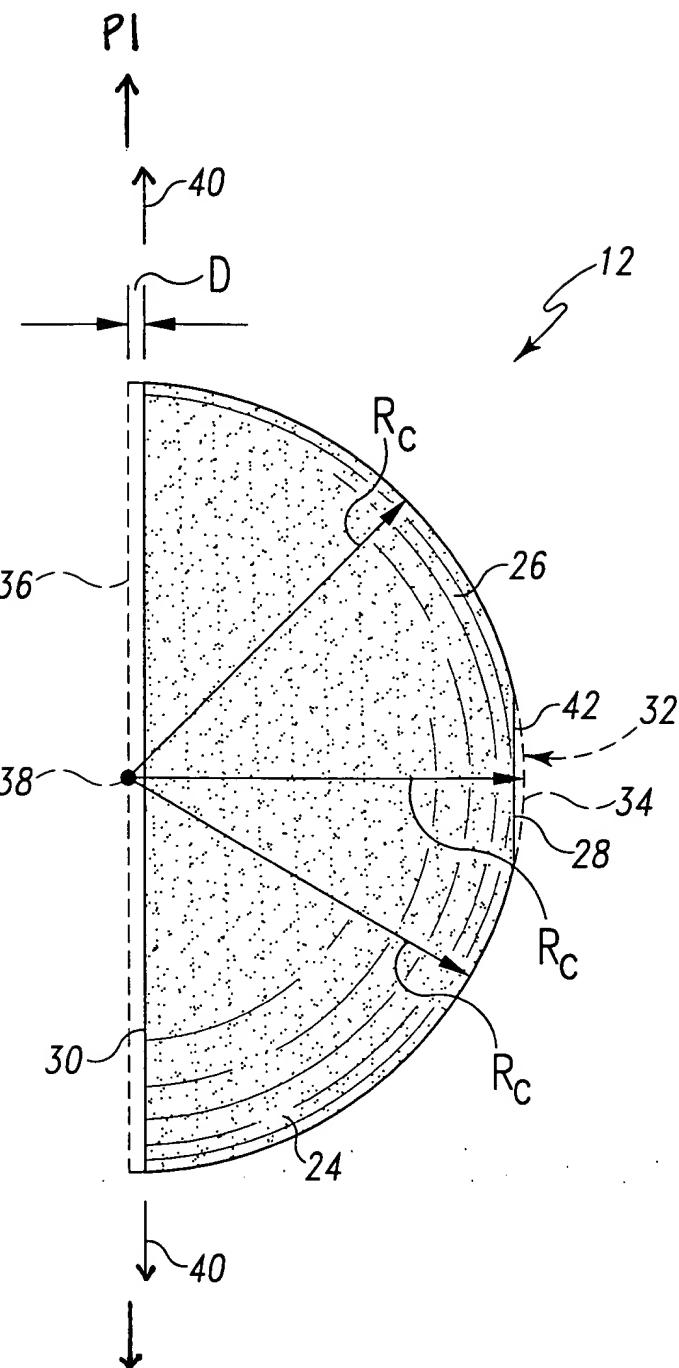
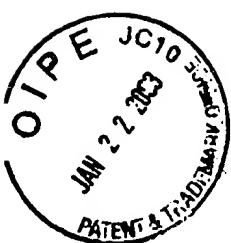


Fig. 2


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Quick definitions  
**(*hemisphere*)**

- **noun:** either half of the cerebrum
- **noun:** half of the terrestrial globe
- **noun:** half of a sphere

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ATTACHMENT II

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## Preface

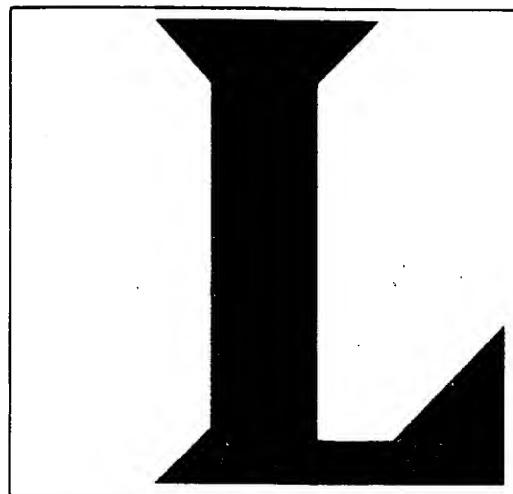
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